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**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

In re:

**LeClairRyan, PLLC,

Debtor.**

Case No.: 19-34574-KRH

Chapter 7

**Lynn L. Tavenner, Trustee,

Plaintiff,**

v.

Adv. Proc. No. 20-03142-KRH

**ULX Partners, LLC,
ULX Manager LLC,
United Lex Corporation, and
Gary D. LeClair,

Defendants.**

MOTION TO MODIFY

Defendant Gary D. LeClair (“GDL”), by counsel, pursuant to 11 U.S.C. § 105(a) and Federal Rule of Civil Procedure 26, made applicable to adversary proceedings pursuant to Federal Rule of Bankruptcy Procedure 7026, files this Motion to Modify the Stipulated Protective Order

Regarding the Disclosure and Use of Confidential Information entered by the Court on May 25, 2021 (ECF No. 47) and Order Granting Motion To Allow Disclosure Of Settlement Materials And To Establish Procedures For The Preservation Of Privilege entered by the Court on August 23, 2021 (ECF No. 84), and in support thereof states as follows:

PROCEDURAL HISTORY

1. On May 25, 2021, the Court entered an Order (ECF No. 47) reflecting a Stipulated Protective Order Regarding the Disclosure and Use of Confidential Information (ECF No. 47-1) (the “Protective Order”) between Lynn L. Tavenner, in her capacity as Chapter 7 Trustee (the “Trustee”) of the bankruptcy estate of LeClairRyan, PLLC (the “Debtor”) together with Defendants ULX Partners, LLC (“ULXP”) and UnitedLex Corporation (“UnitedLex”).

2. The Protective Order defined “Defendants” as ULXP and UnitedLex, as these were the only two defendants at the time.

3. On August 5, 2021, the Trustee filed a Motion to Amend seeking to add ULX Manager, LLC (“ULXM”) and GDL as party defendants. *See* ECF No. 66.

4. On August 23, 2021, the Court entered an Order Granting Motion to Allow Disclosure of Settlement Materials and to Establish Procedures for the Preservation of Privilege (the “Supplemental Order”). *See* ECF No. 84.

5. The Supplemental Order defined “Defendants” as ULXP and UnitedLex, as these were the only two defendants at the time.

6. The Court granted the Motion to Amend on August 24, 2021, *see* ECF No. 85, and the Trustee filed her First Amended Complaint on August 25, 2021 naming ULXM and GDL as party defendants. *See* ECF No. 86.

7. On October 7, 2021, the Trustee served her First Requests for Production to GDL (the “Requests”). As the Trustee and GDL have not yet held their Rule 26(f) conference, these Requests should be considered “Early Rule 34 Requests” pursuant to Federal Rule of Civil Procedure 26(d)(2), made applicable to adversary proceedings pursuant to Federal Rule of Bankruptcy Procedure 7026.

MODIFICATIONS TO PROTECTIVE ORDER

8. GDL anticipates one or more documents responsive to the Trustee’s Requests may be required to be treated as “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY” under the Protective Order.

9. Accordingly, GDL moves this Court to modify the Protective Order to include GDL as a party defendant. Specifically, GDL seeks the following modifications:

- a. Revise the definition of “Defendants” to include GDL and ULXM
- b. Revise Paragraph 11(1)(d) as follows: “For the sake of clarity, (a) both Quinn Emanuel Urquhart & Sullivan, LLP and Tavenner & Beran are counsel of record for Plaintiff, (b) Greenberg Traurig, LLP is counsel of record for Defendants ULXP, ULXM, and UnitedLex; and (c) Gentry Locke and William A. Broschious, Esq. PLC is counsel of record for Defendant GDL.”

10. A proposed Amended Protective Order reflecting these reflecting these revisions is attached hereto as **Exhibit 1**.

MODIFICATIONS TO SUPPLEMENTAL ORDER

11. GDL anticipates serving Rule 34 document request on the Trustee seeking “Third Party Materials,” as such term is defined in Paragraph 2 of the Supplemental Order.

12. Accordingly, GDL moves this Court to modify the Scheduling Order to include GDL as a party defendant. Specifically, GDL seeks the following modifications:

a. Revise the definition of “Defendants” to include GDL and ULXM

13. A proposed Amended Supplemental Order reflecting these reflecting these revisions is attached hereto as **Exhibit 2**.

14. The Trustee consents to the proposed modifications to the Protective Order and Supplemental Order.

15. ULXP, ULXM, and UnitedLex consent to the proposed modifications to the Protective Order and Supplemental Order.

WHEREFORE, Mr. LeClair respectfully requests that the Court enter the Amended Protective Order grant such other relief as is just and appropriate.

Respectfully submitted this 25th day of October, 2021.

GARY D. LECLAIR

/s/ Andrew M. Bowman

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 2021, I electronically filed the foregoing with the Clerk using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Andrew M. Bowman